

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed January 10, 2008 rejected claims 1-24. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-24 are pending. More specifically, the specification and claims 14 and 22-24 are amended. No new matter is added. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claim 14 is objected to because of alleged informalities. The disclosure is objected to because of alleged informalities. Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-3, 7-18, and 20-24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575). Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575) and further in view of *Chen, et al.* (U.S. Publication No. 2003/0054810). Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575) and further in view of *Chen, et al.* (U.S. Publication No. 2003/0054810) and further in

view of *Mousseau, et al.* (U.S. Patent No. 5,559,800). These rejections are respectfully traversed.

II. Objections

A. Claim 14

The Office Action objects to claim 14 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In an effort to address the Examiner's concerns and to facilitate prosecution on the merits, claim 14 has been amended to recite "communications method of claim 13." In view of this amendment, Applicant respectfully submits that the objection to claim 14 should be withdrawn.

B. Specification

The specification is objected to because of alleged informalities. Paragraph [0031] has been amended to "Fig. 2" to obviate the objection. Therefore, Applicant respectfully submits that the objection to the specification be withdrawn.

III. Rejections Under 35 U.S.C. §101

The Office Action rejects claims 22-24 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Although Applicant respectfully disagrees, in an effort to address the Examiner's concerns and to facilitate prosecution on the merits, claims 22-24 have been amended to recite "A computer-readable medium encoded with a program executable by a computer..."

Additionally, paragraphs [0018] and [0025] have been amended to delete propagation medium embodiments. In view of these amendments, Applicant respectfully submits that the rejection of claims 22-24 should be withdrawn.

IV. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-19

The Office Action rejects claims 1-3 and 7-18 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575). The Office Action rejects claims 4 and 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575) and further in view of *Chen, et al.* (U.S. Publication No. 2003/0054810). The Office Action rejects claims 5 and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575) and further in view of *Chen, et al.* (U.S. Publication No. 2003/0054810) and further in view of *Mousseau, et al.* (U.S. Patent No. 5,559,800).

Independent claim 1 recites:

1. A communication method, comprising:
receiving a request for a telecommunications service from a wireless client;
providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange

point of presence selected based on the geographic location of the wireless client; and

providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.

(Emphasis added).

Applicant respectfully submits that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* does not disclose, teach, or suggest at least **providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.** Even if, assuming for the sake of argument, *Hein-Magnussen* discloses providing a local unique address by a transceiver, *Hein-Magnussen* fails to disclose providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services. Even if, assuming for the sake of argument, *Burgess* discloses a cellular base station, Applicant respectfully submits that one of ordinary skill in the art would not have combined the teaching of *Hein-Magnussen* with the teaching of

Burgess. *Hein-Magnussen* discloses a cordless phone system. *Burgess* discloses a cellular phone system. Combining the features of the cordless system with the features of a cellular phone system would involve a large undertaking and would not be obvious to one of ordinary skill in the art.

Additionally, no reasoning has been offered as to why one of ordinary skill in the art would have found the combination obvious. The Office Action alleges that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Hein-Magnussen* and *Burgess* to have the feature(s) of cellular base station' wherein the cellular base station provides cellular telephone services, in order to provide a method for assigning telephone numbers to a communication device or line as taught by *Burgess*." (Office Action, pages 6-7). This statement is conclusory at best.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 706.02(j) *quoting Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Specifically, to reject a claim based upon applying a known technique to a known device, MPEP § 2143(D) states that:

Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:

(1) a finding that the prior art contained a "base" device (method, or product) upon which the claimed invention can be seen as an "improvement;"

(2) a finding that the prior art contained a known technique that is applicable to the base device (method, or product);

(3) a finding that one of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved system; and

(4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

The rationale to support a conclusion that the claim would have been obvious is that a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. One of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) that was ready for improvement and the results would have been predictable to one of ordinary skill in the art. The Supreme Court in *KSR* noted that if the actual application of the technique would have been beyond the skill of one of ordinary skill in the art, then using the technique would not have been obvious. *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.

(Emphasis added). Thus, for at least the reason that the Office Action fails to articulate either a finding that the prior art contained a "base" device upon which the claimed invention can be seen as an "improvement," a finding that the prior art contained a known technique that is applicable to the base device, and a finding that one of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved system, the rejection of claim 1 should be withdrawn.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason.

Regarding claim 1, the Office Action has included a conclusion that "the features cellular base station; wherein the cellular base station provides cellular telephone services was well known in the art." See *Office Action*, page 6. Applicant traverses this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes receiving a request for a telecommunications service from a wireless client; providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Therefore, the conclusion that the element is well-known is improper and should be withdrawn.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-19 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-19 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000);

Wahpeton Canvas Co. v. Frontier Inc., 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection of claims 2-19 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 4 and 6, *Chen* does not make up for the deficiencies of *Hein-Magnussen* and *Burgess* noted above. Further, with regard to claims 5 and 19, *Mousseau* does not make up for the deficiencies of *Hein-Magnussen*, *Burgess*, and *Chen* noted above. Therefore, claims 4-6 and 19 are considered patentable over any combination of these documents for at least the reason that claims 4-6 and 19 incorporate allowable features of claim 1 as set forth above.

B. Claim 20

The Office Action rejects claim 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575).

Independent claim 20 recites:

20. A communication apparatus comprising **a gateway configured to:** receive a request for a telecommunications service from a wireless client; provide by a cellular base station a local exchange point of presence, wherein the cellular base station provides cellular telephone services to the wireless client in response to the request, the local exchange point of presence based on the geographic location of the wireless client; and **provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.**

(Emphasis added).

Applicant respectfully submits that claim 20 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that independent claim 20 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* does not disclose, teach, or suggest at least **a gateway configured to provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.** Even if, assuming for the sake of argument, *Hein-Magnussen* discloses providing a local unique address by a transceiver, *Hein-Magnussen* fails to disclose a gateway configured to provide the telecommunications service to the wireless

client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services. Even if, assuming for the sake of argument, *Burgess* discloses a cellular base station, Applicant respectfully submits that one of ordinary skill in the art would not have combined the teaching of *Hein-Magnussen* with the teaching of *Burgess*. *Hein-Magnussen* discloses a cordless phone system. *Burgess* discloses a cellular phone system. Combining the features of the cordless system with the features of a cellular phone system would involve a large undertaking and would not be obvious to one of ordinary skill in the art.

Additionally, no reasoning has been offered as to why one of ordinary skill in the art would have found the combination obvious. The Office Action alleges that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Hein-Magnussen* and *Burgess* to have the feature(s) of cellular base station' wherein the cellular base station provides cellular telephone services, in order to provide a method for assigning telephone numbers to a communication device or line as taught by *Burgess*." (Office Action, pages 6-7). This statement is conclusory at best.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 706.02(j) *quoting Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Specifically, to reject a claim based upon applying a known technique to a known device, MPEP § 2143(D) states that:

Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:

(1) a finding that the prior art contained a "base" device (method, or product) upon which the claimed invention can be seen as an "improvement;"

(2) a finding that the prior art contained a known technique that is applicable to the base device (method, or product);

(3) a finding that one of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved system; and

(4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

The rationale to support a conclusion that the claim would have been obvious is that a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. One of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) that was ready for improvement and the results would have been predictable to one of ordinary skill in the art. The Supreme Court in *KSR* noted that if the actual application of the technique would have been beyond the skill of one of ordinary skill in the art, then using the technique would not have been obvious. *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.

(Emphasis added). Thus, for at least the reason that the Office Action fails to articulate either a finding that the prior art contained a "base" device upon which the claimed invention can be seen as an "improvement," a finding that the prior art contained a known technique that is applicable to the base device, and a finding that one of ordinary skill in the art would have recognized that applying the known technique would have

yielded predictable results and resulted in an improved system, the rejection of claim 20 should be withdrawn.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 20, the rejection should be withdrawn for at least that reason.

Regarding claim 20, the Office Action has included a conclusion that “the features cellular base station; wherein the cellular base station provides cellular telephone services was well known in the art.” See Office Action, page 12. Applicant traverses this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes a gateway configured to: receive a request for a telecommunications service from a wireless client; provide by a cellular base station a local exchange point of presence, wherein the cellular base station provides cellular telephone services to the wireless client in response to the request, the local exchange point of presence based on the geographic location of the wireless client; and provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Therefore, the conclusion that the element is well-known is improper and should be withdrawn.

C. Claim 21

The Office Action rejects claim 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575).

Independent claim 21 recites:

21. A communications apparatus, comprising:
means for receiving a request for a telecommunications service from a wireless client;
means for providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and
means for providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.

(Emphasis added).

Applicant respectfully submits that claim 21 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that independent claim 21 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* does not disclose, teach, or suggest at least **means for providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.** Even if, assuming for the sake of argument, *Hein-Magnussen* discloses providing a local unique address by a transceiver, *Hein-Magnussen* fails to disclose means for providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station

provides cellular telephone services. Even if, assuming for the sake of argument, *Burgess* discloses a cellular base station, Applicant respectfully submits that one of ordinary skill in the art would not have combined the teaching of *Hein-Magnussen* with the teaching of *Burgess*. *Hein-Magnussen* discloses a cordless phone system. *Burgess* discloses a cellular phone system. Combining the features of the cordless system with the features of a cellular phone system would involve a large undertaking and would not be obvious to one of ordinary skill in the art.

Additionally, no reasoning has been offered as to why one of ordinary skill in the art would have found the combination obvious. The Office Action alleges that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hein-Magnussen and Burgess to have the feature(s) of cellular base station' wherein the cellular base station provides cellular telephone services, in order to provide a method for assigning telephone numbers to a communication device or line as taught by Burgess." (Office Action, pages 6-7). This statement is conclusory at best.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 706.02(j) *quoting Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Specifically, to reject a claim based upon applying a known technique to a known device, MPEP § 2143(D) states that:

Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:

(1) a finding that the prior art contained a "base" device (method, or product) upon which the claimed invention can be seen as an "improvement;"

(2) a finding that the prior art contained a known technique that is applicable to the base device (method, or product);

(3) a finding that one of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved system; and

(4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

The rationale to support a conclusion that the claim would have been obvious is that a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. One of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) that was ready for improvement and the results would have been predictable to one of ordinary skill in the art. The Supreme Court in *KSR* noted that if the actual application of the technique would have been beyond the skill of one of ordinary skill in the art, then using the technique would not have been obvious. *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.

(Emphasis added). Thus, for at least the reason that the Office Action fails to articulate either a finding that the prior art contained a "base" device upon which the claimed invention can be seen as an "improvement," a finding that the prior art contained a known technique that is applicable to the base device, and a finding that one of ordinary skill in the art would have recognized that applying the known technique would have

yielded predictable results and resulted in an improved system, the rejection of claim 21 should be withdrawn.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 21, the rejection should be withdrawn for at least that reason.

Regarding claim 21, the Office Action has included a conclusion that “the features cellular base station; wherein the cellular base station provides cellular telephone services was well known in the art.” See Office Action, page 14. Applicant traverses this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes means for receiving a request for a telecommunications service from a wireless client; means for providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and means for providing the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Therefore, the conclusion that the element is well-known is improper and should be withdrawn.

D. Claims 22-24

The Office Action rejects claims 22-24 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hein-Magnussen, et al.* (U.S. Publication No. 2004/0132407) in view of *Burgess* (U.S. Patent No. 7,027,575).

Independent claim 22 recites:

22. A computer-readable medium encoded with a program executable by a computer comprising:
- logic configured to receive a request for a telecommunications service from a wireless client;
 - logic configured to provide by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and
 - logic configured to provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services.***

(Emphasis added).

Applicant respectfully submits that claim 22 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that independent claim 22 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* does not disclose, teach, or suggest at least **logic configured to provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services**. Even if, assuming for the sake of argument, *Hein-Magnussen* discloses providing a local unique address by a transceiver, *Hein-Magnussen* fails to disclose logic configured to provide the telecommunications service to the wireless client with a

local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services. Even if, assuming for the sake of argument, *Burgess* discloses a cellular base station, Applicant respectfully submits that one of ordinary skill in the art would not have combined the teaching of *Hein-Magnussen* with the teaching of *Burgess*. *Hein-Magnussen* discloses a cordless phone system. *Burgess* discloses a cellular phone system. Combining the features of the cordless system with the features of a cellular phone system would involve a large undertaking and would not be obvious to one of ordinary skill in the art.

Additionally, no reasoning has been offered as to why one of ordinary skill in the art would have found the combination obvious. The Office Action alleges that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Hein-Magnussen* and *Burgess* to have the feature(s) of cellular base station' wherein the cellular base station provides cellular telephone services, in order to provide a method for assigning telephone numbers to a communication device or line as taught by *Burgess*." (Office Action, pages 6-7). This statement is conclusory at best.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 706.02(j) *quoting Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Specifically, to reject a claim based upon applying a known technique to a known device, MPEP § 2143(D) states that:

Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:

(1) a finding that the prior art contained a "base" device (method, or product) upon which the claimed invention can be seen as an "improvement;"

(2) a finding that the prior art contained a known technique that is applicable to the base device (method, or product);

(3) a finding that one of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved system; and

(4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

The rationale to support a conclusion that the claim would have been obvious is that a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. One of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) that was ready for improvement and the results would have been predictable to one of ordinary skill in the art. The Supreme Court in *KSR* noted that if the actual application of the technique would have been beyond the skill of one of ordinary skill in the art, then using the technique would not have been obvious. *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.

(Emphasis added). Thus, for at least the reason that the Office Action fails to articulate either a finding that the prior art contained a "base" device upon which the claimed invention can be seen as an "improvement," a finding that the prior art contained a known technique that is applicable to the base device, and a finding that one of ordinary skill in the art would have recognized that applying the known technique would have

yielded predictable results and resulted in an improved system, the rejection of claim 22 should be withdrawn.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 22, the rejection should be withdrawn for at least that reason.

Regarding claim 22, the Office Action has included a conclusion that “the features cellular base station; wherein the cellular base station provides cellular telephone services was well known in the art.” See Office Action, page 15. Applicant traverses this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes logic configured to receive a request for a telecommunications service from a wireless client; logic configured to provide by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and logic configured to provide the telecommunications service to the wireless client with a local telephone number through the local exchange point of presence, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Therefore, the conclusion that the element is well-known is improper and should be withdrawn.

For at least the reason that independent claim 22 is allowable over the cited references of record, dependent claims 23 and 24 (which depend from independent

claim 22) are allowable as a matter of law for at least the reason that dependent claims 23 and 24 contain all the features of independent claim 22. Therefore, the rejection of claims 23 and 24 should be withdrawn and the claims allowed.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

Benjamin A. Balser, Reg. No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: 38823